

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

WAYNE LAMARR HARVEY #147594,

Plaintiff,

Case No. 2:18-CV-67

v.

HON. GORDON J. QUIST

HEIDI WASHINGTON, et al.,

Defendants.

ORDER ADOPTING
REPORT AND RECOMMENDATION

The Court has reviewed Magistrate Judge Maarten Vermaat's July 3, 2019, Report and Recommendation recommending that the Court grant Defendants' motions for partial summary judgment based on Plaintiff's failure to exhaust his administrative remedies. The magistrate judge recommended that the Court dismiss without prejudice for failure to exhaust Plaintiff's claims that: (1) Defendant James assaulted Plaintiff by striking Plaintiff with documents on February 27, and March 19, 2014; (2) Defendant James purposely scheduled Defendant Gluesing to work in the infirmary when Plaintiff needed help during the month of July 2016; (3) Defendant Kimsel failed to personally investigate Plaintiff's request for protection on November 14, 2015; and Defendant Gluesing dropped Plaintiff, causing injury to Plaintiff's neck. (ECF No. 31 at PageID.749–50.)

The Report and Recommendation was duly served on Plaintiff on July 8, 2019. No objections have been filed pursuant to 28 U.S.C. § 636(b).

THEREFORE, IT IS HEREBY ORDERED that the July 3, 2019, Report and Recommendation (ECF No. 31) is approved and adopted as the Opinion of the Court. Defendants' motions for partial summary judgment based on Plaintiff's failure to exhaust his administrative

remedies (ECF Nos. 14 and 22) are **GRANTED**, and the claims set forth above are **dismissed without prejudice**. The case will continue on Plaintiff's claims that (1) Defendant James denied Plaintiff medical care on February 19, 2014; (2) Defendant James kept Plaintiff confined at MBP as punishment; (3) Defendant Gluesing pulled Plaintiff's catheter tube on October 17, 2015; and (4) Defendant LaForest sexually assaulted Plaintiff.

Dated: July 30, 2019

/s/ Gordon J. Quist
GORDON J. QUIST
UNITED STATES DISTRICT JUDGE